



FACSIMILE TRANSMISSION

May 24, 2006

TO: Commissioner for Patents
Attn: Examiner Pedro Philogene
Group Art Unit 3732
Fax No.: 571-273-8300

No. of sheets: 15

FR: Jonathan Spangler, Esq.
Tel.: 858-909-1807 (or Cell 858-243-0029)

RE: Supplemental Amendment for Application No. 10/627,553 (Atty. Ref. 044RE1)

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Signature: _____
Jonathan Spangler

SUPPLEMENTAL AMENDMENT

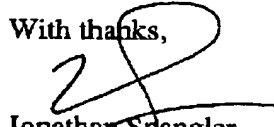
Dear Sir:

In response to a telephone interview with the Examiner regarding Application No. 10/627,553, the Applicant respectfully submits the following:

- (1) Transmittal (1 page); and
- (2) Supplemental Amendment (13 pages).

The requisite transmittal form (PTO/SB/21) is included in this transmission. No additional fees are deemed necessary at this time. However, in the event that there are any additional fees to be charged, the applicant hereby requests that any charges be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. Please contact me with any questions or comments.

With thanks,


Jonathan Spangler
Vice President & Chief Patent Counsel
USPTO Reg. No. 40,182

NuVasive, Inc.
4545 Towne Centre Court
San Diego, CA 92121
Tel.: (858) 243-0029

MAY 24 2006

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number	10/627,553
Filing Date	July 24, 2003
First Named Inventor	Anthony Ross
Art Unit	3732
Examiner Name	Pedro Philogene
Attorney Docket Number	044RE1

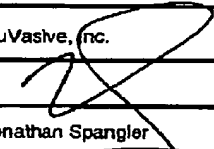
ENCLOSURES (Check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form
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<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
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<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
1. Fax cover sheet |
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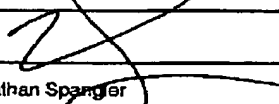
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	NuVasive, Inc.		
Signature			
Printed name	Jonathan Spangler		
Date	May 24, 2006	Reg. No.	40,182

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jonathan Spangler	Date	May 24, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 24 2006

PATENT:

Reissue Application No.: 10/627,553

Attorney Reference No.: 044RE1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application No.: 10/627,553)	Atty. Docket No.: 044RE1
)	
Filed: July 24, 2003)	Examiner: Pedro Philogene
)	
Patent No.: 6,264,659)	Art Unit: 3732
)	
Granted: July 24, 2001)	
)	
Patentees: Anthony C. Ross)	
Peter A. Guagliano)	
)	
For: METHOD OF TREATING AN)	
INTERVERTEBRAL DISK)	

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Signature:  Jonathan Spangler

SUPPLEMENTAL AMENDMENT

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Dear Sir:

In response to a telephone interview with the Examiner on May 24, 2006, the Applicants respectfully request that this Supplemental Amendment be entered in the above-identified reissue application. Please amend the application as follows: